

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

EPL HOLDINGS, LLC,  
Plaintiff,  
v.  
APPLE, INC.,  
Defendant.

Case No. 12-cv-04306-JST

**NOTICE REGARDING TECHNOLOGY  
TUTORIAL AND CLAIMS  
CONSTRUCTION HEARING**

If the parties have not already done so, they are ordered to meet and confer forthwith regarding the format, scope and content of both the technology tutorial and the claim construction hearing. The topics to be addressed in their discussions include, but are not limited to, the division of time between the parties, the permissible subjects of discussion at each hearing, whether experts will testify, and what audio-visual equipment, if any, will be needed by the parties. The parties are further ordered to exchange copies of any audio-visual material they intend to use in court, and to bring any disputes regarding the format, scope, or content of the tutorial to the Court's attention not later than 1:00 P.M. on January 6, and to bring any disputes regarding the claims construction hearing to the Court's attention not later than 3:00 P.M. on January 8.<sup>1</sup>

The Court agrees with the parties' proposal that EPL present the entirety of its tutorial presentation first, followed by Apple's presentation. The Court will reserve no more than two-and-

<sup>1</sup> The Court notes that, in the September 23 claim construction and prehearing statement, the parties disagreed about whether Apple will call an expert witness to testify at the claims construction hearing, in part because of a dispute over whether EPL had adequate notice of the substance of the witness's testimony. ECF No. 78. The parties subsequently stipulated to permit this witness to be deposed. See ECF No. 80. The Court assumes that the parties resolved their dispute.

one-half hours, including a brief recess, on its calendar for the tutorial. At the claim construction hearing, the Court prefers that the parties each present their respective views regarding each disputed claim term one term at a time. The Court will reserve no more than three hours on its calendar for the claims construction hearing, including a brief recess. The time set for hearing may elapse before the parties have addressed each disputed term, and so the parties are encouraged to prioritize discussion of those terms whose construction is most likely to be significant to the disposition of this case, and to be succinct in their arguments at hearing.

**IT IS SO ORDERED.**

Dated: January 3, 2014



JON S. TIGAR  
United States District Judge